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**136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-39108-2025 (O&M)****Date of decision: 24.07.2025****RAVINDER KUNDU**

.....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL**Present:** Ms. Pooja Jaglan, Advocate for the petitioner.

H.S. GREWAL J. (Oral)**CRM-28117-2025**

Allowed as prayed for, subject to all just exceptions.

Main Case

1. The petitioner is seeking quashing of order of proclamation dated 28.04.2025 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Assandh whereby the petitioner was declared as a proclaimed person in complaint No.NACT 243 dated 11.09.2020 under Section 138/142 of Negotiable Instruments Act, 1881 and further prays for stay of operation of impugned order dated 28.04.2025 and all subsequent proceedings arising therefrom.

2. Learned counsel for the petitioner contends that provisions of Section 82 Cr.P.C. have not been complied with and notice was not served upon the petitioner as per law. Moreover, he was called for appearance on 27.03.2025 i.e. only after 14 days of after proclamation and 08 days after the proclamation was allegedly executed and vide impugned order dated 28.04.2025 the petitioner was declared as a proclaimed person. He, on instructions further submits that the petitioner undertakes to appear before the trial Court concerned on each and every



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date and shall not seek any exemption for his personal appearance on any date of hearing before the trial Court. Hence, in the aforementioned facts and circumstances, the petitioner prays that directions be issued to the Trial Court concerned that his bail application, which he would be filing on his surrender, be decided expeditiously.

3. I have heard learned counsel for the petitioner and perused the material placed on record.

4. Keeping in view the facts of the case, the service of respondent is dispensed with as it will delay the proceedings.

5. In view of the above, the instant petition is allowed and order dated 28.04.2025 (Annexure P-1) passed by learned Judicial Magistrate Ist Class, Assandh, in complaint No.NACT 243 dated 11.09.2020 under Section 138/142 of Negotiable Instruments Act, 1881 is set aside, subject to the condition that the petitioner shall appear and move an application for bail before the trial Court concerned within a period 07 days from today and the concerned Court shall release the petitioner on bail on the same day, subject to his furnishing bail bonds/surety bonds to its satisfaction and imposing reasonable conditions as it may deem appropriate in the background of the petitioner-accused conduct.

6. It is made clear that in case, the petitioner fails to surrender before the Court concerned within 07 days from today, this order shall be of no avail to him, thereafter.

24th July, 2025

Sonia Puri

(H.S. GREWAL)
JUDGE

<i>Whether speaking/ reasoned</i>	:	<i>Yes / No</i>
<i>Whether reportable</i>	:	<i>Yes / No</i>